Remarks

In response to the Restriction Requirement, Applicants respectfully traverse the restriction based on the discussion which follows and have amended the claims to enhance clarity and to correct identified informalities.

The present application was alleged to contain inventions or groups of inventions which are not so linked to form a single general inventive concept under PCT Rule 13.1. It was alleged that the application is directed to four (4) groups namely:

Group I: Claims 27-40, drawn to a composition;

Group II: Claims 41, 43-51 and 54, drawn to a method of treating undesirable side effects associated with intake of antipsychotic or antidepressant medication;

Group III: Claims 42, 53 and 55-61, drawn to a method of preventing or correcting epilepsy associated with intake of antipsychotic or antidepressant medication; and

Group IV: Claims 52 and 62, drawn to a method of preventing and/or treating a mental disorder.

It was alleged that the inventions of Groups I-IV do not relate to a single general inventive concept alleging that the special technical features of Group I, e.g. the composition of claim 1, is disclosed in EP 0982300.

Further it was alleged that the application contains more than one species of the generic invention, and if Group I were to be elected, election of species are required for each of the following:

Compounds to be selected as antidepressants/antipsychotics and histamine H_3 antagonists, each compound species of formula (I), and (II) recited in claim 30, as well as compounds to be selected as antidepressants or antipsychotics.

Contrary to the rejection, Applicant respectfully submits that all claims are drawn to a single invention. As an initial point, Applicant directs the Examiner's attention to the International Search Report in which Box 3 (Unity of Invention) is not checked. Accordingly, the organization specifically designated to review applications for unity of invention, namely the International Receiving Office, deemed the present application to be directed to a single invention and found no lack of unity present.

Moreover, Applicant respectfully submits that upon a full examination of the application including a full prior art search and review of the present claims and specification, will find that the present composition recited in Group I is novel and thereby establishes a special technical and novel feature present in all claims. Moreover, Applicant respectfully submits that claim 1 is in no way anticipated by, or obvious in view of EP-0982300. Accordingly, claim 1 is a generic linking claim for all claims pending.

In order to make this response to the Restriction Requirement and Election of Species complete, Applicant respectfully elects Group I, and selects olanzapine as a representative compound (A), and the compound recited in claim 33 and its salt as a representative compound for (B), with traverse. Should the restriction requirement be maintained, Applicant reserves the right to request rejoinder of the withdrawn claims upon allowance of the generic composition claim.

Finally, by this amendment, Applicant has amended claim 27 to more clearly define the pharmaceutical composition may either comprise compound (A) and compound (B) as individual, i.e. separate components or compositions in the pharmaceutical composition, or the pharmaceutical composition may comprise a single composition comprising a combination of (A) and (B) together. For example, (A) and (B) may be individual compounds, i.e. separate, discreet compounds in a capsule or they may be formulated as a single composition in a tablet or other delivery means.

Respectfully submitted,

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